

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAURICE CARROLL,

Plaintiff,

v.

NORTH LAS VEGAS POLICE DEPT.,

Defendant.

Case No. 2:14-cv-00263-JCM-PAL

ORDER

(IFP App –Dkt. #3)

This matter is before the court on Plaintiff Maurice Carroll's Application to Proceed in Forma Pauperis (Dkt. # 3). Plaintiff is a prisoner proceeding in this civil rights action pro se. This proceeding was referred to this court by Local Rule IB 1-9. The court has considered the Application.

Plaintiff's Application is incomplete. A prisoner seeking to bring a civil action without prepayment of fees or security must submit an affidavit of assets and a certified copy of the prisoner's trust fund account statement for the six-month period immediately preceding the filing of the complaint obtained from the appropriate official of each prison at which the prisoner is or was confined. *See* 28 U.S.C. § 1915(a)(2). In addition, a prisoner proceeding in forma pauperis must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1).

Plaintiff has submitted an application to proceed in forma pauperis intended for non-incarcerated litigants and a Financial Certificate (Dkt. #2) signed by an authorized officer at the Nevada Department of Corrections. Because Plaintiff used the incorrect application form, it does not contain the appropriate financial affidavit for incarcerated litigants. In addition, Plaintiff has not submitted a certified copy of his inmate trust account statement for the six-


1 month period preceding this litigation. Although it appears Plaintiff qualifies to proceed in
2 forma pauperis, the court cannot determine the amount of the initial partial filing fee because
3 Plaintiff has not submitted the certified trust fund account statement. Additionally, Plaintiff must
4 sign the appropriate financial affidavit.

5 Accordingly,

6 **IT IS ORDERED:**

- 7 1. Plaintiff's Application to Proceed In Forma Pauperis (Dkt. #3) is DENIED
8 WITHOUT PREJUDICE.
- 9 2. The Clerk of Court shall mail Plaintiff a blank application to proceed in forma
10 pauperis for incarcerated litigants.
- 11 3. Plaintiff shall have until **August 22, 2014**, to file the completed application for
12 incarcerated litigants, the financial affidavit for incarcerated litigants, and a certified
13 copy of his inmate trust account for the six-month period preceding this litigation.
- 14 4. Alternatively, Plaintiff may pay the \$350.00 filing fee by **August 22, 2014**.
- 15 5. Failure to comply with this Order will result in a recommendation to the district judge
16 that this case be dismissed.

17 Dated this 22nd day of July, 2014.

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20 PEGGY A. LEEN
21 UNITED STATES MAGISTRATE JUDGE
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